

DRAFT

Compliance Standards & Indicators

Document C

Component/Special School Districts

Legal Requirement	Indicator	Documentation
100000 Public Awareness activities: 300.125; SP (II) (III)		
100100 Newspaper notice: (NA for Charter Schools)	<ul style="list-style-type: none"> One (1) published newspaper notice, billing or paid receipt, which indicates the date of publication. Notice is published on an annual basis prior to November 1. 	Public notice; billing; or paid receipt
100200 Radio or television announcement: (NA for Charter Schools)	<ul style="list-style-type: none"> Dated notice or billing which indicates the date of airing is present. Notice is aired on an annual basis prior to November 1. 	Public notice; billing; or paid receipt
100300 Patron Notification:	<ul style="list-style-type: none"> The agency notifies all parents of children with disabilities under the jurisdiction of the agency through general distribution of written literature once a year prior to November 1. 	Flyers, student handbook, newsletters, etc.
100400 Posters/notices:	<ul style="list-style-type: none"> The agency has placed posters/notices in all administrative offices. 	Poster; public notice
100500 Content for each public awareness activity is present as follows (includes Indicators 100510 - 100560):		
100510 Child find responsibilities:	<ul style="list-style-type: none"> Notice states the agency's responsibility to identify, locate and evaluate children with disabilities who are under the jurisdiction of the agency, regardless of the severity of the disability. This includes: <ul style="list-style-type: none"> Children attending private schools, Highly mobile children, such as migrant and homeless children, and Children who are suspected of having a disability and in need of special education even though they are advancing from grade to grade. 	Public notice
100515 Intent to serve ALL disability categories:	<ul style="list-style-type: none"> States the agency's assurance to serve all disability categories, either locally or through contractual arrangement. All disability categories are listed. Notice describes agency's responsibility to refer infants and toddlers suspected of having a disability to Part C early intervention system (First Steps). 	Public notice

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Legal Requirement	Indicator	Documentation
100520 Intent to provide FAPE to all children with disabilities:	<ul style="list-style-type: none"> States the agency's assurance to provide a free appropriate public education (FAPE) to all children with disabilities under the jurisdiction of the agency. Indicates that children with disabilities are students, between the ages of 3 and 21 years, who have been evaluated and identified in accordance with 162.675(2)(3) RSMo and the Individuals with Disabilities Education Act (IDEA). 	Public notice
100525 Notice provided in alternative language formats: 300.561(a)(i); FERPA 99.7(d); SP(II)	<ul style="list-style-type: none"> Indicates the notice will be provided in alternative language formats. 	Public notice
100530 Access rights of parents to personally identifiable information relating to their children: 300.562; FERPA 99.6(2); SP(II)	<ul style="list-style-type: none"> The agency assures that personally identifiable information collected, used, or maintained by the agency for the purposes of identification, evaluation, placement or provision of FAPE of children may be inspected and/or reviewed by parents. 	Public notice
100535 Parent's rights to request amendment of records: 300.567; FERPA 99.7 (a)(2); SP(II)	<ul style="list-style-type: none"> States that parents may request amendment to educational records if the parent believes the record is inaccurate, misleading, or violates the privacy or other rights of their child. 	Public notice
100540 Rights of parents to file complaints concerning alleged failures by the agency to meet the requirements of FERPA: 300.568; FERPA 99.7 (4); SP(II)	<ul style="list-style-type: none"> Parent may register a complaint with the U.S. Department of Education or the Missouri Department of Elementary and Secondary Education (DESE) if they feel the agency is in violation of the Family Educational Rights and Privacy Act (FERPA). 	Public notice
100545 Summary of the policies and procedures regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information: 300.561(a)(3); FERPA 99.7; SP(II)	<ul style="list-style-type: none"> Availability (location) of the agency's policies and procedures regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information. 	Public notice
100550 Assurance that services are provided in compliance with the General Education Provision Act (GEPA): 76.301 (4)(ii); Section 438 of the GEPA	<ul style="list-style-type: none"> Availability (location) of the agency's assurances that services are provided in compliance with the requirement of GEPA. 	Public notice

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100555 Announcement of annual census: 300.125; 162.695 (1) RSMo; SP (II)	<ul style="list-style-type: none"> Public is informed of the agency's intent to conduct a census of all children with disabilities, birth to 21, under the jurisdiction of the agency. Intent to locate, identify, and evaluate all private school children with disabilities. 	Public notice
100560 Information collected through annual census: 300.125; 162.695 (1) RSMo; SP (III)	Indicates the agency's intent to collect each of the following: <ul style="list-style-type: none"> Name of the child Parent name and address Birth date and age of the child Child's disability Services provided to the child with a disability 	Public notice
100600 EDUCATIONAL SURROGATE APPOINTMENT S 300.515; 162.998 RSMo; SP(V)		
100700 Agency has written procedures:	The agency's Compliance Plan includes: <ul style="list-style-type: none"> Procedures to determine when a student is in need of a surrogate appointment. Procedures to submit <i>Determination of Need</i> forms. Procedures to notify DESE, Division of Special Education, of changes in surrogate appointment and/or student's status. Description of intent to recruit and assist with training of educational surrogates. Identification of a contact person, if other than administrator of agency's special education program. 	Agency Compliance Plan
100800 Assist SSD in determination of need for educational surrogate:	<ul style="list-style-type: none"> The component district must assist the Special School District in sharing information to assist them in making a determination of need for assignment of an educational surrogate. 	Agency records; student files

100900 OTHER ADMINISTRATIVE ITEMS:

101000 Implementation of professional development (PD) requirements	<ul style="list-style-type: none">• Implementation of the professional development requirements is a joint responsibility of the special school district and the component district.
101010 Component conducts needs assessment for PD activities as related to students with disabilities	<ul style="list-style-type: none">• The component district is responsible for collecting and sharing the needs assessment information collected by their Professional Development Committee (PDC) as it relates to students with disabilities.
101020 Component has policies and procedures for staff participation in PD activities developed by SSD	<ul style="list-style-type: none">• The component district is responsible to have policies and procedures in place that direct the participation of their general education personnel in activities developed by the special school district and the component district.
101030 The SSD coordinates activities with the component PD plans	<p>The special school district's professional development plan shall include a description of the process used by the special school district to coordinate with the component district's professional development plan. This plan should include activities for the following personnel</p> <ul style="list-style-type: none">▪ Administrators (including superintendents and principals)▪ General And special educators▪ Related services personnel▪ Paraprofessionals
101100-101120 Confidentiality of special education records	<ul style="list-style-type: none">• Implementation of the requirements in regard to access and confidentiality of special education records is a matter of separate compliance for the special school district and the component district based upon possession of the records. Each district must have policies in place to assure compliance with these regulations.
101200 Participation of private school students	<ul style="list-style-type: none">• The special school district and the component district must adopt appropriate procedures and practices to allow participation of private school students.

101300 INSTRUCTIONAL RESOURCES AND COMPARIABLE FACILITY:

101400 - 101500

Policies and practices that assure allocation of appropriate class room instructional space

- The amount of instructional space provided by each component district shall be proportionate to the number of students with disabilities identified as residents of the component district; student with disabilities who otherwise attend a private, parochial, parish or home school; and, for St. Louis County only, students with disabilities served by the component district pursuant to the plan voluntary desegregation.
- Each special and component district shall ensure that the facilities provided to students with disabilities are comparable to those available to nondisabled students within that building and/or district.
- The component district shall ensure that the relocation of instructional space for students with disabilities within the component district will occur no more frequently than the relocation of space for general education student services.

101600

Policies and practices that assure that availability and provision of instructional materials and technology to support the general education curriculum

Each special and component district shall assure the availability and provision of instructional materials to support the general education curriculum, including the following:

- Current textbooks
- Teacher manuals and supplements
- Instructional technology, including hardware, software, and multi media that is accessible to students with disabilities either directly by features incorporated within the technology or by compatibility with add-on components
- Other materials that are routinely designated for the use of nondisabled students

101700

Policies and practices that assure the access for special education teachers to instructional supports available to all teachers

- Each special and component district shall assure access of special education teachers to instructional supports generally available to all teaching staff (e.g., duplicating services, computer technology, library/media resources, etc.)

101800 LEAST RESTRICTIVE ENVIRONMENT (LRE)

101900

Continuum of alternative placement options

- Each special and component district shall ensure that alternative placements are available to meet the needs of students with disabilities for special education and related services.

102000

Annual consideration of placement in general education environment

- Consideration of placement in the general education environment with appropriate supplemental aids and services, modifications and supports is made on an annual basis.

102100

Child is educated in the school they would attend if nondisabled

- The student is educated in the school he/she would attend if nondisabled unless IEP for the student requires other arrangements.

102200

Participation in nonacademic and extracurricular activities

- Each special and component district shall ensure that otherwise qualified students with disabilities participate with nondisabled students in nonacademic and extracurricular activities to the maximum extent appropriate.

102300 JOINT REVIEW COMMITTEE:**102400**

A committee made-up of staff from the special school district and the component district determine referral for evaluation

- Each special school district and component district shall designate staff to serve as members of the Joint Review committee. This committee will determine if it is appropriate to refer and evaluate a student to determine eligibility for special education services.

102500 EVALUATION AND DETERMINATION OF ELIGIBILITY:**102600**

Provide reports, classroom assessments or other resource materials from general education staff

- The component district shall provide reports, classroom assessments or other resource materials from the general education staff to the group of individuals evaluating the student to determine eligibility
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102650 Existing evaluation data on the child is reviewed for initial evaluation:	<p>A group of individuals meeting the requirements of an IEP Team and other qualified professionals, as appropriate, reviewed all relevant existing evaluation data on the child. The information reviewed should include:</p> <ul style="list-style-type: none"> ○ Previous evaluations (if available). ○ Information provided by the parents of the child. ○ Performance on current classroom-based assessments and observations. ○ Performance on State and agency-wide assessments. ○ Observations by teachers. ○ Observations by related services providers, if available and applicable. <p>Documentation of the review includes:</p> <ul style="list-style-type: none"> • A description of all data reviewed and a summary of the information gained from the review of the data. • The date conclusions and decisions are finalized. • The name(s) and role(s) of each individual conducting the review. If an individual is serving in more than one (1) role, all parties must be aware of each role in which the individual is serving and each role must be documented. 	Meeting notes; review notes; summary of data
102700 Staff participation in the group of individuals evaluating students for eligibility and those reevaluating students	<p>NOTE: This review may be conducted without a meeting.</p> <ul style="list-style-type: none"> • The component district shall designate appropriate staff to participate in the group of individuals evaluating students for eligibility for special education services or to reevaluate a student on a periodic basis. 	
102800 Staff participation in group of individuals making eligibility determination	<ul style="list-style-type: none"> • The component district shall designate appropriate staff to participate in the group that makes the eligibility determination. 	
102900 IEP PARTICIPATION:		
103000 General education teacher of the child (CD):	<ul style="list-style-type: none"> • At least one general education teacher of the student must be present at IEP meetings for students who are or may be participating in the general education environment 	

103100 Component district representative	<p>A person who meets the following requirements must represent the component district</p> <ul style="list-style-type: none"> Assure implementation of the component district's responsibilities for the IEP Is knowledgeable of the general education curriculum including extracurricular and non-academic programs Is knowledgeable of and comm. It resources of the component district, as determined necessary 	
103200 The child, if appropriate	<ul style="list-style-type: none"> Each special and component district shall ensure that the student has the opportunity to attend the IEP meeting, as appropriate. 	
103300 Other staff who have knowledge and special expertise regarding the child, as appropriate	<ul style="list-style-type: none"> Each special and component district shall ensure that other staff who have knowledge and expertise regarding the child and whose attendance at the IEP meeting has been determined necessary and appropriate by the district, shall be provided the opportunity to attend the IEP meeting. 	
105100 HOMEBOUND PROCEDURE		
104100 Homebound application must be on file in the agency:	<ul style="list-style-type: none"> Agency maintains a file with current applications for children on whom they are requesting reimbursement for homebound instruction. <p>NOTE: Applications must be maintained on file for a period of not less than five (5) years.</p>	Homebound applications
104200 Application form must document all appropriate information:	<p>Application form must document:</p> <ul style="list-style-type: none"> A medical or psychological diagnosis and intervention given by an appropriate professional. A psychiatrist or licensed psychologist must provide a brief statement of the psychological treatment being given. When a student is hospitalized for an emotional disorder, stating the name of the hospital is sufficient; however, when a student is not hospitalized and receiving outpatient treatment, the treatment plan must be specified (typically, once a week). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> Signature of a licensed physician (M.D. or D.O.) or in the case of <u>a normal pregnancy only</u>, a licensed nurse practitioner. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> In the case of emotional disorders, the signature of a medical doctor specializing in psychiatry or a licensed psychologist. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> The name of the teacher assigned to conduct the instruction. 	Homebound applications

NOTE (1): Approval for pregnancy is typically made for six (6) weeks prior to and/or six (6) weeks following delivery. Applications are not approvable for post delivery illness of the baby.

NOTE (2): A licensed psychiatrist or licensed psychologist must provide a brief statement of the psychological treatment being given.

104300

Exceptions submitted to DESE for approval:

Agency will submit applications for special education students for:

Homebound applications; approval letter

- Homebound for the purpose of reevaluation.
- Homebound during long-term suspension or expulsion.
- Homebound for a special education student that will extend beyond nine (9) weeks.

NOTE: For long-term suspension/expulsion, the agency will be required to send a copy of the Notice of Change of Placement, documentation that the IEP team met and determined unrelatedness to the disability, and that a copy of the *Procedural Safeguards for Children and Parents* was provided to the parent.

CASE RECORD REVIEW

100000

Access sheet is present:

Access sheet includes the following:

Access sheet

- Name(s) of person(s) accessing file
- Date(s) file was reviewed
- Purpose(s) of review(s)

NOTE: FERPA regulations do not require authorized school staff who access the student's file to sign.

105100 REEVALUATION/CONTINUED ELIGIBILITY AND NEED FOR SERVICES

105200-105300

Existing evaluation data on the child is reviewed:

Documentation is present that a group of individuals meeting the requirements of an IEP Team and other qualified professionals, as appropriate, reviewed all relevant existing evaluation data on the child. The information reviewed should include:

Meeting notes; review notes; summary of data

- The current IEP.
 - Previous evaluations (if available).
 - Information provided by the parents of the child.
 - Current classroom-based assessments and observations.
 - State and agency-wide assessments.
 - Observations by teachers.
 - Related services providers, if applicable.
-

Documentation of the review includes:

- A description of all data reviewed and a summary of the information gained from the review of the data.
- The date conclusions and decisions are finalized.
- The names and roles of the individuals conducting the review. If an individual is serving in more than one (1) role, all parties must be aware of each role in which the individual is serving and each role must be documented.

NOTE: This review may be conducted without a meeting.

106000 PLACEMENT

106100 (106110 - 106160)

Placement decisions are based upon LRE:

Documentation is present that:

IEP

- The child's IEP team makes placement decisions.
- Placement is determined annually.
- Placement is based on a continuum of alternative placement options.

Placement decisions are based on:

- The child's IEP with consideration given to whether education in the regular classroom with the use of supplementary aids and services can be achieved satisfactorily. (For preschool children, regular education setting is a setting which is designed primarily for children **without** disabilities.)
- Whether the child has been integrated to the maximum extent appropriate.
- Placement being as close as possible to the child's home and in the school he/she would attend if nondisabled unless the IEP requires some other arrangement. (N/A for ECSE.)
 - Documentation is present that addresses why other arrangements are required.
- In making the placement decision, the following factors were considered:
 - Consideration for any harmful effect on the child or on the quality of services he/she needs.
 - The child not being removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.
 - The curriculum and goals of the regular education class.
 - The sufficiency of the district's efforts to accommodate the child with a disability in the regular class.

- The degree to which the child with a disability will receive educational benefit from regular education.
- The effect the presence of a child with a disability may have on the regular classroom environment and on the education that the other students are receiving.
- The nature and severity of the child's disability (cannot be sole factor considered).

For students attending State Schools for the Severely Handicapped, Missouri School for the Blind, and Missouri School for the Deaf:

- Placement determinations are made during the annual IEP review/revision meeting. If the local agency is unable to attend this meeting, they must document that placement options were discussed with the parent at another time.

107000 SHORT TERM SUSPENSIONS

107100 (107110 - 107130)

First removal of a student over ten (10) school days cumulatively in year when no long-term suspension is involved:

School personnel determine whether a pattern of suspension has been created. If yes, see long-term suspension.

Agency records; student file

School personnel, in consultation with special education teacher determines what, if any, services are required on 11th school day and thereafter to enable child to appropriately progress in general curriculum and appropriately advance towards achieving goals set out in IEP. Documentation includes the following:

- Date of decision
- Listing of participants
- Results
- Notification of an IEP meeting

NOTE: For an explanation of IEP team meeting, see Document B, Indicators 104500-109000.

107200 (107210 – 107220)

IEP meeting held:

On or before the end of the 10th business day of a discipline action, the IEP team met to:

Student file

- Develop functional behavior assessment (FBA) or review/revise an existing FBA
- Develop behavior intervention plan (BIP) or review/revise an existing BIP

NOTE (1): For requirements regarding notification of an IEP meeting see Document B, Indicators 104500-105900.

NOTE (2): The IEP team should consider the need for changes to the IEP

	goals, services and/or supports that may be necessary to address the child's behaviors.	
107300 (107310 - 107330) Subsequent removal(s) over ten (10) school days in year when no long-term suspension is involved:	<p>School personnel determine whether a pattern of suspension has been created. If yes, see long-term suspension.</p> <p>School personnel, in consultation with special education teacher determines what, if any, services are required during this suspension to enable child to appropriately progress in general curriculum and appropriately advance towards achieving goals set out in IEP. Documentation includes the following:</p> <ul style="list-style-type: none"> • Date of decision • Listing of participants • Results 	Meeting notes; student file
107400 IEP team members review BIP:	<ul style="list-style-type: none"> • Documentation is present that the IEP team reviewed the BIP. <p>NOTE (1): No meeting is required to conduct this review.</p> <p>NOTE (2): The IEP team should consider the need for changes to the IEP goals, services and/or supports that may be necessary to address the child's behaviors.</p>	Student file
107500 (107510 - 107600) One or more IEP team member indicated belief that modifications to BIP are needed:	<p>The IEP team meets to address revisions to the BIP as necessary to address the behavior. Documentation includes the following:</p> <ul style="list-style-type: none"> • Date review completed • Results of review • Name and role of reviewers <p>NOTE: For requirements regarding notification of an IEP meeting see Document B, Indicators 104500-104600.</p>	Student file
107600 LONG TERM SUSPENSIONS/EXPULSIONS (DISCIPLINARY CHANGE OF PLACEMENT)		
107700 (107710 - 107730) Child suspended in excess of ten (10) consecutive school days: <p style="text-align: center;">OR</p> In excess of ten (10) school days cumulatively where pattern of suspension is created:	<p>Immediately, if possible, but no later than ten (10) school days after the date of the decision to implement a disciplinary change of placement, the IEP team met to develop and/or review:</p> <ul style="list-style-type: none"> • FBA • BIP • Conduct a manifestation determination (see next Indicator). <p>NOTE (1): To determine whether a pattern is created, consider the length of the removal, the total amount of time child is removed, and the proximity of the removals to one another</p>	Student file

NOTE (2): For explanation of IEP team meeting, see Document B, Indicators 104500-109000.

107800 (107810 - 107820)

Manifestation Determination Review:

IEP team shall determine whether there is a relationship between the student's disability and the behavior subject to the disciplinary action.

Student file

Documentation is present that the IEP team considered the following:

- Evaluation and eligibility results, including such results or other relevant information supplied by the parents of the child.
- Observations of the child.
- Child's IEP and placement.

Documentation is present that the IEP team determined all of the following:

- Child's IEP was appropriate.
- Child's placement was appropriate.
- Special education and supplementary aids and services were provided consistent with the child's IEP/Placement.
- Behavior intervention strategies were provided consistent with the child's IEP/Placement.
- The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action.
- The child's disability did not impair the ability of the child to control the behavior subject to the disciplinary action.

107900 (107910)

Conduct is found unrelated to disability:

Documentation is present that:

Student file

- IEP team finds conduct unrelated to disability
- IEP team determines amount and type of services that will enable the child to receive FAPE and appropriately progress in the general curriculum, and determines placement (or where those services are to be provided).
- Parent provided Prior Written Notice for change of placement

NOTE (1): Services can be provided through alternative schools, in-school suspension, homebound services, contractual arrangement with other agencies or private agencies, mutually agreed sites off school grounds or other settings as determined by the IEP Team.

NOTE (2): If the parent disagrees with the team's decision and requests due process, "stay-put" will be the child's current IEP and placement prior to the

disciplinary action. Any further action will not be possible until after the due process hearing is completed.

Stay-put will be different with a 45-day removal for weapons/drugs. With this action, the stay-put provision will be in the 45-day alternative educational setting – not the child's current IEP placement.

108000 FORTY-FIVE (45) CALENDAR DAY INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT

108100 (108110 - 108140)

Forty-five (45) day removal – weapons/drugs:

School personnel may order a forty-five (45) calendar day placement when:

- o Child possesses a weapon at school or school function.

OR

- o Child knowingly possesses, and/or uses illegal drugs, or sells controlled substances while at school or at a school function

Documentation is present that:

- A copy of the procedural safeguards is given to parents upon notification of forty-five (45) calendar day placement
- Within 10 business days, the IEP team develops FBA plan, if none exists and conducts FBA.
- Within 10 business days the IEP team reviews/develops BIP.
- Manifestation Determination by IEP team within ten (10) school days and a review of the relationship between the child's disability and the behavior subject to disciplinary action is conducted. (See notes below)
- IEP team determines the interim alternative educational setting that will:
 - Enable child to continue to progress in the general curriculum.
 - Receive services and modifications of current IEP.
 - Enable child to meet goals of IEP.
 - Include services and modifications to address the behavior involved in the disciplinary action.

NOTE (1): Decision by the IEP team that conduct is related to the disability will not affect decision of whether student receives a forty-five (45)-calendar day placement.

NOTE (2): If the IEP team determines the conduct is unrelated to the disability, then the agency may impose disciplinary procedures consistent with those

applied to children without disabilities.

108200 (108210)

Forty-five (45) day removal – violent/dangerous student:

(NA except when ordered by a hearing officer through expedited due process hearing)

If a child is likely to injure herself/himself or others, the agency can request an expedited due process hearing to seek a forty-five (45)-calendar day interim alternative educational placement. That will:

- Enable child to continue to progress in the general curriculum;
- Receive services and modifications of current IEP;
- Enable child to meet goals of IEP; and
- Include services and modifications to address the behavior involved in the disciplinary action.

Documentation is present that the agency:

- Notified the parent of the decision to seek this order on the day the decision is made.
- Provided the parent with a copy of the *Procedural Safeguards*.
- Filed a request for expedited hearing with DESE.
- Held an IEP meeting to make manifestation determination within ten (10) school days. A review of the relationship between the child's disability and the behavior subject to disciplinary action is conducted. (For additional information regarding manifestation determination, see Indicator 100900, Document D.)

NOTE (1): Through an additional due process hearing, a hearing officer may extend placement for an additional 45-day increment(s) if the student continues to present a danger to himself or others.

NOTE (2): Another option for removal of a violent, dangerous student would be to file for an injunction with court of competent jurisdiction.